

JUDGE DUFFY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

INDICTMENT

- v. -

10 Cr.

**10 CRIM 668**

FABIO MOREL,  
a/k/a "Fabio Luna,"  
a/k/a "Efrain Delvalle," and  
WILLIAM POZO,

Defendants.

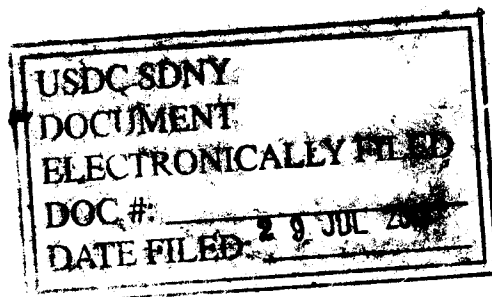
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COUNT ONE

The Grand Jury charges:

1. From in or about February 2010 up to and including on or about April 29, 2010, in the Southern District of New York and elsewhere, FABIO MOREL, a/k/a "Fabio Luna," a/k/a "Efrain Delvalle," and WILLIAM POZO, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FABIO MOREL, a/k/a "Fabio Luna," a/k/a "Efrain Delvalle," and WILLIAM POZO, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).



3. The controlled substance involved in the offense was 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, FABIO MOREL, a/k/a "Fabio Luna," a/k/a "Efrain Delvalle," and WILLIAM POZO, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Indictment.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:


- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;

d) has been substantially diminished in value;

or

e) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)

  
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FOREPERSON

  
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PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code,  
Sections 841(a)(1),  
841(b)(1)(A) and 846.)

PREET BHARARA

United States Attorney.

A TRUE BILL



Foreperson.

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7/29/10 Filed Indictment Case assigned to J. Duffy  
yfb Reck. U.S.M.J